

REMARKS

Status of the Claims

Claims 1, 2, 4-23, and 25 are pending in the application. Claims 1, 2, and 4-9, are currently amended. Claims 3 and 24 are cancelled. Claims 10-23 are withdrawn due to a restriction requirement. Reconsideration and allowance of all of the pending claims is respectfully requested.

This amendment does not add new matter to the application as filed. The recitation of the diseases in claim 1 is supported at page 71, lines 3-16 of the specification. The amendments to the substituents of claims 1, 2, and 4-9 generally bring the claims into conformance with the presently elected invention: **Group II** of the restriction dated June 7, 2007. Accordingly, no new matter is added and entry of this amendment is respectfully requested.

Applicants note that the examiner mentions Group I of the June 7, 2007 restriction as being the elected invention at page 2, fourth paragraph, of the Office Action. The Examiner then correctly mentions Group II as the elected invention at page 4, first full paragraph, of the Office Action. Applicants elected Group II in the reply dated July 9, 2007.

Claim Rejections – 35 U.S.C. §112

Claims 1-9, 24 and 25 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Applicants respectfully traverse this rejection for the following reasons.

Claim 1 is amended to expressly recite specific diseases given at page 71, lines 3-16 of the specification. The Background section of the specification describes the mechanism and effects of large conductance calcium-activated K channel openers (also referred to as BK channel openers). Applicants respectfully submit that the specification is fully enabling for the presently claimed diseases.

Furthermore, applicants submit the following 10 references (which each have a publication date earlier than the filing date of the present application), and which demonstrate

that BK channel openers are capable of treating the presently claimed diseases. Specific citations from the references are also provided for the Examiner's convenience in the table of **Exhibit 1**.

List of supporting references:

Exhibit 2, Nature, Vol. 407, No. 6806, 2000, pp. 870-876,

Exhibit 3, The Journal of Pharmacology and Experimental Therapeutics, Vol. 284, No. 3, 1998, pp. 838-846

Exhibit 4, Current Pharmaceutical Design, Vol. 2, No. 4, 1996, pp.413-428

Exhibit 5, Journal of Cerebral Blood Flow and Metabolism, Vol. 21, No. 4, 2001, pp.396-403

Exhibit 6, US 6,184,231 B1

Exhibit 7, Pharmacology & Therapeutics, Vol. 70, No. 1, pp. 39-63, 1996

Exhibit 8, British Journal of Pharmacology, Vol. 140, No. 5, 2003, pp. 939-947

Exhibit 9, J. Clin. Invest., Vol. 99, No. 3, 1997, pp. 513-519

Exhibit 10, Journal of Physiology (2000), 526. 2, pp. 375-385

Applicants also refer the Examiner's attention to the following reference: *Book of Abstracts*, 219th ACS National Meeting, San Francisco, CA, March 26-30, 2000. A hard copy of which is not here provided.

The claimed compounds possess BK channel opening activity and applicants submit that one skilled in the art would immediately recognize that the claimed compounds could be used to treat the claimed diseases.

Applicants further note that the data shown in Examples 1 and 2 at pages 67-70 of the specification supports the treatment of pollakiuria or urinary incontinence, and provides full support under 35 U.S.C. §112 to claims to the treatment of related conditions.

Accordingly, applicants respectfully submit that the rejection of claims 1-9 and 25 under

35 U.S.C. §112 are overcome by this amendment. An early reconsideration and Notice of Allowance are respectfully requested.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark Konieczny, Reg. No. 47,715 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

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Attachments: Exhibits 1-10